

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

FRANK RALPH LAPENA,

*Petitioner,*

vs.

GEORGE GRIGAS, *et al.*,

*Respondents.*

2:00-cv-00960-PMP-RJJ

ORDER

This closed habeas matter under 28 U.S.C. § 2254 is before the Court on Petitioner's motion (#127) to reopen the case and reinstate the Petition. Petitioner alleges therein that he provided timely notice of his change of address prior to the dismissal of the Petition for failure to provide an updated address. He attaches an alleged file-stamped conform copy of a February 14, 2005, notice of change of address. The Court has reviewed respondents' opposition (#128) to the motion, and the Court is not persuaded that it should resolve the motion in the manner argued in the opposition without further inquiry. The Court will direct a supplemental response.

IT THEREFORE IS ORDERED that, taking into account the time necessary for counsel to retrieve and review his closed file, Respondents shall file a supplemental response to Petitioner's motion within **sixty (60) days** of entry of this order.

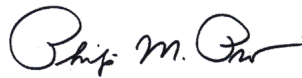
IT FURTHER IS ORDERED that: (a) if counsel has a service copy of the alleged February 14, 2005, notice of change of address *to this Court* as opposed to the Court of Appeals, counsel shall attach a copy of same with the response; or (b) if counsel does not

1 have such a service copy, he shall attach an appropriate declaration or affidavit to that effect  
2 by a competent witness with personal knowledge as to the content of the file and the clerical  
3 procedures for maintaining the completeness of same.

4 IT FURTHER IS ORDERED that Petitioner may file a reply to Respondents' response  
5 within **thirty (30) days** of service of same.

6 Nothing in this order reopens the matter at this juncture, as the motion to reopen  
7 remains under consideration.

8 DATED: June 19, 2012.

9  
10  
11 

12 PHILIP M. PRO  
13 United States District Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28